THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.10909 OF 2006

DATED: 31 -07-2006

Between:

P.Renu and others.

… Petitioners

And:

Government of A.P. rep.by its Principal Secretary, Revenue Department,Hyderabnad and others.

… Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.10909 OF 2005

O R D E R:

The writ petition is misconceived.

The writ petition is filed for a relief as follows:

"declaring the action of the respondents 1 to 4 in granting lease in favour of 6th respondent by a registered rent deed, dated.19-04-2005 in respect of the property covered thereby is illegal, irregular and violative of principles of natural justice and without authority and offends the provisions of A.P.Charitable and Hindu Religious Institutions Endowments Act, and offends Art:14,21 and 300 A of the Constitution of India and consequently direct the respondents 1 to 5 to continue original lease granted in favour of Sri Vasireddy Narayanarao by the 1st respondent in G.O.Rt.No.1162, dated.6-7-1982 and pass such other order of orders as this hon'ble Court may fit and proper in the circumstances of the case"

From the rival pleadings, there is apparent a dispute as to the nature of succession of title of a site in an extent of 2700 square yards belonging to the 1st respondent-Endowment Institution in favour of late Vasireddy Narayana Rao. One version (as per the 6th respondent) is that the site was leased out in 1941 by the 4th respondent to five (5) persons who had constructed a cinema theatre therein by name Sri Satyanarayana Talkies, Tenali. Vasireddy Narayana Rao, the father of the petitioners, became a partner of the firm during 1949 by purchasing the shares of two of the founders of the theatre. The firm under went a number of changes over the time in its composition. Some partners quitting the firm while new entrants making way into the firm. The 6th respondent claims to have entered the firm as a partner in 1973.

Initially the lease of the site of the 4th respondent was up to the year 1981. Thereafter in G.O.Rt.No.1162, dated.06-07-1982 the 1st respondent, exercising the power under Sec.70 of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act,1966 (the 1966 Act) extended the lease for a period of 25 years from 01-04-1982 in favour of Vasireddy Narayana Rao, on payment of different lease amounts for different periods, as stipulated in the Government order above i.e., 06-07-1982. The lease was up to 31-03-2007 in favour of Vasireddy Narayana Rao and not in favour of the partnership firm, *qua*, the orders in G.O.Rt.No.1162, dated.06-07-1982.

Vasiredy Narayana Rao is claimed to have died on 22-04-1993. How the lease devolves on his death is neither pleaded, urged nor established at the hearing of the writ petition. There were disputes between the petitioners on the one hand and the 6th respondent on the other, which translated into suits, filed one against the other. The suit filed by the petitioners is stated to have been allowed while the suit filed by the 6th respondent is pleaded to have been dismissed and that

the 6th respondent filed an appeal which is pending before this Court claiming partnership rights over the site on which Sri Satyanarayana Talkies, Tenali is constructed.

While so, it would appear that the 2nd respondent by an order D.Dis.No.M1/12878/05, dated.07-04-2005 accorded permission to the 6th respondent to continue as a lessee on the demise of V.Narayana Rao on 22-4-1993. The 2nd respondent also ordered in the aforesaid proceedings that the 6th respondent shall be a lessee for the residuary period of the lease granted in Government's memo dated.26-08-1982 i.e., up to 31-03-2007 subject to the outcome of the suits in O.S.No.12 of 1998 on the file of the Additional Senior Civil Judge's Court, Tenali and A.S.No.3075 of 2004 pending before this Court.

Consequent on the aforesaid orders of the 2nd respondent dated.07-04-2005 the 4th respondent has entered into a lease deed with the 6th respondent on 19-04-2005. The writ petition is filed challenging the lease deed.

The genesis of the lease deed is the order of the 2nd respondent dated.07-04-2005. That order has not been challenged. The entire factual premise for the writ petition is the suits filed between the petitioners on the one hand and against and by the 6th respondent on the other. These do not constitute relevant material for the purposes of considering the relevancy or validity of any grant of lease or extension of lease by the 2nd respondent or the 4th respondent in favour of the 6th respondent, as a grant, extension or renewal of such lease is governed by a statutory architecture, the provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act,1987 or the relevant rules there under.

This court is not concerned with the civil disputes between the parties. The only relevant and proper material for judicial scrutiny

under Article.226 of the Constitution would be the exercise of any statutory power or other public power by the respondents 1 to 4 either in conformity with or otherwise, the provisions of the Act or the statutory rules there under. The writ petition presents no such question for resolution by this Court.

The writ petition is therefore misconceived and is accordingly dismissed. No order as to costs.

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GODA RAGHURAM,J

31TH JULY 2006
***TSNR**